

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DARLA LUGO,

07-CV-3068-HU

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant.

BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#14) on September 12, 2008, in which he recommends the Court affirm the Commissioner's decision denying Plaintiff's application for disability insurance benefits and supplemental security income. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before

this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

Plaintiff objects "to the finding that the opinion of the treating physician, Dr. Hanst, was not supported by his notes and records." Plaintiff's objection is a reiteration of his argument before the Magistrate Judge. This Court has reviewed the record *de novo*, including Plaintiff's Objection and concludes the determination of the Administrative Law Judge (ALJ) with respect to the weight given to the opinion of Dr. Hanst is supported by substantial medical evidence in the record. In addition, the Court concludes the ALJ gave legally sufficient reasons for rejecting the opinion of Dr. Hanst.

Accordingly, the Court does not find any error in the Magistrate Judge's Findings and Recommendation to affirm the Commissioner's decision.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and

Recommendation (#14). Accordingly, the Court **AFFIRMS** the Commissioner's decision and **DISMISSES** this matter.

IT IS SO ORDERED.

DATED this 26th day of November, 2008.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge